



Attorney Docket # 33900-167PUS

Patent

DFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Stéphane ANRES, *et al.*

Serial No.: 10/517,081

Filed: July 5, 2005

For: A Telescopic Guide Pipe For Off-Shore Drilling

Examiner: Singh, Sunil  
Group Art: 3673

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December 28, 2006

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Roger S. Thompson

Name of applicant, assignee or Registered Representative

December 28, 2006

Date of Signature

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO REQUIREMENT FOR ELECTION  
OF SPECIES/RESTRICTION

SIR:

In response to the Requirement for Restriction/Election of Species dated November 29, 2006, applicants submit as follows:

Applicants respectfully traverse the requirement to elect one of the three species identified by the Examiner.

The instant application is the national phase of a PCT International Application, and so must be examined in accordance with the principles of "unity of invention" MPEP § 1893.03(d). Although the Examiner has used the phrase "unity of invention", it is submitted that the standards upon which the Examiner relied in the pending Restriction Requirement are those of election of

upon which the Examiner relied in the pending Restriction Requirement are those of election of species (“Should applicant traverse on the ground that the inventions or species are not *patentably distinct* . . .” (emphasis supplied) -- Restriction Requirement, p. 3). According to the principles of “unity of invention”, as explained in the PCT International Search and Preliminary Examination Guidelines § 10.6: “Unity of invention has to be considered in the first place only in relation to the independent claims in an international application and not the dependent claims.”

Here, each of the species identified by the Examiner are present in dependent claims, which claims each depend from the same independent claim. In fact, claims 1-8, 14, 15, 25, 26 and 30-36 are generic, as identified by the Examiner. Thus, according to PCT national phase practice, unity exists between the several dependent claims identified by the Examiner as independent species. For this reason, therefore, it is respectfully submitted that the requirement for an election of species should be withdrawn.

Accordingly, it is respectfully submitted that the Requirement is not well-founded, and should be withdrawn. Early and favorable action towards that end is respectfully solicited.

However, in the event the Examiner maintains the Requirement, applicants provisionally elect the claims of Group 3 (Fig. 14; Claims 12, 13 and 29) for further prosecution in the above captioned application.

Claims 9-11, 27 and 28 are provisionally withdrawn without prejudice or disclaimer.

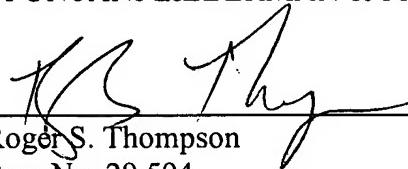
If the Examiner maintains the Requirement, upon the allowance of one or more of the generic claims, the claims provisionally withdrawn herein should be reinstated.

Furthermore, if the Examiner maintains the Requirement, and claims 9-11, 27 and 28 are deemed withdrawn, applicants reserve the right to pursue the non-elected claims in a divisional application prior to issuance of a patent on the instant application.

Any additional fees or charges required at this time in connection with the application may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,  
COHEN PONTANI LIEBERMAN & PAVANE LLP

By \_\_\_\_\_

  
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